

00862.022217

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Akihiro NAKAUCHI et al.

Application No.: 09/845,297

Filed: May 1, 2001

For: PROJECTION EXPOSURE APPARATUS
HAVING ABERRATION MEASUREMENT
DEVICE

) : Examiner: A. Mathews

) : Group Art Unit: 2851

) : October 16, 2002

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is a Response to Election of Species Requirement in the above-identified application.

No additional fee is required.

The fee has been calculated as shown below:

CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	55	MINUS	55	= 0	x \$9 \$18	\$0.00
INDEP. CLAIMS	20	MINUS	20	= 0	x \$42 \$84	\$ 0.00
Fee for Multiple Dependent claims \$140/\$280						—
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$0.00



°Verified Statement claiming small entity status is enclosed, if not filed previously.

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- A check in the amount of \$ _____ is enclosed including the additional claims fees.
- Charge \$ ___ to Deposit Account No. 06-1205. A duplicate of this sheet is enclosed.
- Any prior general authorization to charge an issue fee under 37 CFR 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate of this paper is enclosed.
- A check in the amount of \$ _____ to cover the fee for a ___ month extension is enclosed.
- A check in the amount of \$ ___ to cover the Information Disclosure Statement fee is enclosed.
- Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address given below.

Respectfully submitted,



Attorney for Applicants

Steven E. Warner

Registration No. 33,326

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The Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

Applicants respectfully traverse the election of species requirement set forth in the Office Action dated September 16, 2002.

In the Office Action, the Examiner asserts that the subject application contains claims directed to ten patentably distinct species of the invention. As asserted by the Examiner, Species I reads on Figures 7-10; Species II reads on Figures 11 and 12; Species III reads on Figure 13; Species IV reads on Figures 14-17; Species V reads on Figure 18; Species VI reads on Figures

19-21; Species VII reads on Figures 22 and 23; Species VIII reads on Figures 24-26B; Species IX reads on Figures 27 and 28; and Species X reads on Figures 29-31.

A careful review of the subject application reveals that the various embodiments are so closely related as to not require separate fields of search. Accordingly, neither Applicants nor the U.S. Patent and Trademark Office should be put through the trouble and expense entailed in multiple filing and prosecution. In addition, Applicants submit that the public-at-large should not be required to obtain and study several patents in order to have available all of the issued patent claims covering the invention.

Still further, the making of an election species is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use his discretion and choose not to make an election of species where circumstances warrant. It is believed that such is the case in the subject application. Therefore, Applicants request, under 37 CFR 1.143, that the Examiner reconsider and withdraw the election requirement set forth in the above-noted Office Action.

Nevertheless, in order to comply with the requirements of 37 CFR 1.146, and MPEP § 809.02(a), Applicants provisionally elect, with traverse, to prosecute the invention of Species I.
Applicant submits that claims 1-15 read on the elected species.

Applicants further submit that the instant application is in condition for allowance.
Favorable consideration and early passage to issue are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
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